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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/784,429

Applicant(s)

EDWARDS ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 21 and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 9/24/2007 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments (Amendment pages 14-34) are identical to the arguments presented in the previous amendment filed 5/4/2007 therefore the response given the in final rejection mailed 7/26/2007 is still applicable to the arguments on pages 14-34 of the amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki US 6,701,058 in view of Priddy US 7,239,346.

Regarding claim 45, Tsubaki discloses a system for transferring data comprising means for capturing said data into data buffers (fig. 1 indicator 10), means for receiving said data for subsequent access by a system user (fig. 1 indicator 20), and means for

transferring said data from said imaging device to said data destination (fig. 5; col. 7 lines 20-32; col. 8 line 63 – col. 9 line 2). Additionally, Tsubaki states that the transfer manager automatically erases data from the data buffers (10) only after the data is successfully transferred to the means for receiving (20) (col. 8, lines 54-58). Although the Tsubaki reference discloses all of the above limitations, the reference fails to disclose that a successful transmission message is received when an image is successfully transmitted.

Priddy discloses a digital imaging module that is capable of wirelessly transmitting image data to remote devices. Priddy states that when an image has been successfully transmitted, a message can be returned for audio or visual display to the user (col. 8, lines 27-44). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a message indicating a successful transmission of an image as disclosed by Priddy in the system for transmitting image data disclosed by the Tsubaki reference. Doing so would provide a means for allowing a user to confirm that an image has been successfully transmitted to a remote device.

Claims 1-5, 21-25, 41, 43, 46 and 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 and further in view of Hansen US 6,317,639.

Regarding claim 1, Allen discloses a system for transferring data in which images from a digital camera (col. 2 lines 35-40), along with user identification (col. 2 lines 8-

10), are sent to a selected destination (col. 3 lines 11-12) configured to receive the images and categorize them by referencing the user information (col. 3 lines 14-26.) However, Allen is not found to disclose a transfer manager of said imaging device for transferring said data from said imaging device to said data destination, said transfer manager monitoring said data buffers, and transferring said data in a data transfer procedure if a total amount of said data stored in said data buffers is greater than a predetermined threshold amount, said transfer manager performing a repeat transfer procedure whenever said data destination fails to successfully receive said data, said transfer manager continuing to perform additional ones of said repeat transfer procedure until said data is successfully transferred to said data destination.

Nevertheless, Tsubaki is found to teach a system for transferring data comprising an imaging device that captures and stores images (fig. 1 indicator 10), a data destination configured to receive transferred images (fig. 1 indicator 20), and a transfer manager of the imaging device that monitors the memory of the imaging device and automatically transfers the images when a predetermined threshold is exceeded (col. 8 lines 6-9 and line 63 – col. 9 line 2.) Additionally, Tsubaki states that a transfer manager will automatically erase data from data buffers (10) only after data is successfully transferred to the data destination (20) (col. 8, lines 54-58). It would have been obvious to one of ordinary skill in the art at the time of the invention that a transfer occurring “if a total amount of said data stored in said data buffers is greater than a predetermined threshold amount” is synonymous with a transfer occurring if a total amount of residual capacity in the data buffers is less than a predetermined threshold

amount; analogous to emptying a glass when it either becomes more than half full or it becomes less than half empty. It would have also been obvious to one of ordinary skill in the art at the time of the invention to combine the automatic transferal of images as taught by Tsubaki with the system as taught by Allen, in order to create a system that automatically frees up camera storage for additional pictures. Although the combination of the Allen and Tsubaki references discloses all of the above limitations, none of the references discloses that a successful transmission message is received when an image is successfully transmitted.

Priddy discloses a digital imaging module that is capable of wirelessly transmitting image data to remote devices. Priddy states that when an image has been successfully transmitted, a message can be returned for audio or visual display to the user (col. 8, lines 27-44). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a message indicating a successful transmission of an image as disclosed by Priddy in the system for transmitting image data disclosed by the combination of the Allen and Tsubaki references. Doing so would provide a means for allowing a user to confirm that an image has been successfully transmitted to a remote device.

Further, one of ordinary skill in the art of data transmission faced with the problem of successfully transferring data would look to the solutions of others faced with the problem of successfully transferring data between a source and a destination. One such solution is the repeated transmission of data until successful transfer is achieved. Hansen (US 6,317,639) teaches performing a repeat transfer procedure whenever a

data destination fails to successfully receive the data, continuing to perform repeated transfer procedures until the data is successfully transferred (col. 10 lines 20-45.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate repeated data transmissions as taught by Hansen with the system as taught by Allen, Tsubaki and Priddy, in order to insure that the data is successfully transmitted to the data destination.

Regarding claim 2, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 2 (see the 103(a) rejection to claim 1 supra) including disclosing a system wherein said transfer manager utilizes a wireless communications technique to transfer said data over a wireless network from said imaging device to said data destination ('491 – col. 3 lines 11-14; '058 – col. 11 lines 7-10.)

Regarding claim 3, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 3 (see the 103(a) rejection to claim 1 supra) including disclosing a system wherein said imaging device is implemented as a digital camera device, and wherein said data includes image data and related identification information ('491 – col. 4 lines 51-57; '058 – col. 7 lines 15-20 and col. 9 lines 24-26.)

Regarding claim 4, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 4 (see the 103(a) rejection to claim 1 supra) including wherein an information source provides identification information to said imaging device for routing

said data during a data transfer procedure ('491 – col. 2 lines 48-51), said identification information including said user identifier for identifying said imaging device ('491 – col. 3 lines 8-10) and a destination identifier for identifying said data destination ('491 – col. 2 lines 1-7, col. 3 lines 11-14.)

Regarding claim 5, Allen, Tsubaki, Priddy and Hansen disclose all the limitations of claim 5 (see the 103(a) rejection to claim 4 supra) including disclosing wherein said imaging device captures said data using a capture subsystem, and then temporarily stores said data into data buffers that are economically implemented ('491 – col. 2 lines 34-39), said data buffers employing a smaller memory-size configuration ('058 – col. 1 lines 20-30; col. 1 line 64 – col. 2 line 4; col. 8 lines 3-5.)

Regarding claims 21-25, although the wording is different, the material is considered substantively equivalent to claims 1-5, respectively, as discussed above.

Regarding claim 41, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 41 (see the 103(a) rejection to claim 1/21 supra) including disclosing a method wherein said imaging device is implemented without removable storage media capabilities ('491 – col. 1 lines 21-24.) It is noted that Allen, in addition to the option of a removable solid-state memory card, provides for other options of non-removable media storage; including both a solid-state memory and a hard drive on the camera.

Regarding claim 43, Allen, Tsubaki, Priddy and Hansen disclose all the limitations of claim 21 (see the 102(e) rejection to claim 1/21 supra), in addition to disclosing a method wherein said transfer manager transmits said data from said imaging device to said data destination by utilizing a cellular telephone network ('491 – col. 3 lines 5-8; '058 – col. 11 lines 7-10.)

Regarding claim 46, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 46 (see the 103(a) rejection to claim 1/21 supra) except for explicitly disclosing a method wherein a system user manually instructs said transfer manager to transfer said data to said data destination in a non-wireless manner by storing said data to a removable storage device. Nevertheless, Tsubaki discloses the current state of the art to which an improvement is sought, in which transfers occur by operation of the user ('058 – col. 1 lines 48-51; col. 2 lines 16-17.) It would have been obvious to one of ordinary skill in the art at the time of the invention, given the state of the art at the time of the invention, to effect transfer via a system user in order to give a user more control over operation of an imaging device. Furthermore, Tsubaki also discloses the current state of the art to which an improvement is sought, in which transfers occur by means of a removable storage device (col. 1 lines 20-30.) It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer said data to said data destination in a non-wireless manner by storing said data to a removable storage device in order to establish a secure means of data transfer.

Regarding claims 50-51, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 21 above. Additionally, Allen states that the data destination (34) includes a photo processing station and a network server computer (col. 3, lines 11-28).

Regarding claims 52-53, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 24 above. Additionally, Allen states that the identification information includes a camera identifier, a user account number and a destination routing number (phone number, email address, etc.) (col. 3, lines 18-22).

Regarding claim 54, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 21 above. However, none of references specifically state that a transfer manager transfers data to a host computer via a Universal Serial Bus connection. The Examiner takes Official Notice that the use of a hard-wired physical connection such as a USB to transfer data between an imaging device and a data destination is well known to those skilled in the art. Therefore it would have been obvious for one skilled in the art to transfer the data disclosed by the combination of the Allen, Tsubaki, Priddy and Hansen references in a non-wireless manner by transmitting the data through a hard-wired physical connection. Doing so would provide a means to establish a dedicated and secure means of data transfer.

Regarding claim 55, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 21 above. Additionally, Tsubaki states that an imaging device (10) wirelessly receives status information and control information from an external device (20) (col. 9, lines 26-35).

Regarding claim 56, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 21 above. However, none of references specifically state that a plurality of peripheral devices each separately utilize additional transfer managers to perform respective data transfer procedures to provide corresponding transfer data to said data destination, at least come of said plurality of peripheral devices not being implemented as camera devices. The Examiner takes Official Notice that it is well known in the art for a plurality of peripheral devices that are not cameras to perform transfer procedures to a data destination. Therefore it would have been obvious for one skilled in the art to connect a plurality of peripheral device that are not cameras to the data destination disclosed by the combination of the Allen, Tsubaki, Priddy and Hansen references. Doing so would provide a means for transmitting multiple sets of image data to a single data destination for storage.

Claims 6-10, 12, 15, 17-18, 26-30, 32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 Priddy US 7,239,346 in view of Hansen US 6,317,639 and further in view of Strandwitz et al. US 6,522,352.

Regarding claim 6, Allen, Tsubaki, Priddy and Hansen disclose all the limitations of claim 6 (see the 103(a) rejection to claim 5 supra) except wherein said transfer manager performs an arbitration procedure with a wireless communications network to transfer said data to said data destination, said transfer manager being authorized by said wireless communications network to perform said data transfer procedure when sufficient bandwidth is available on said wireless communications network for transferring a specified amount of said data.

Nevertheless, Strandwitz discloses arbitration of bandwidth upon a wireless network in which a camera is not allowed to transfer a data burst (fig. 5) unless the transfer is operable within the available bandwidth (col. 11 lines 11-33.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate controlling the transfer of a data burst when sufficient bandwidth is available within a wireless network as taught by Strandwitz, with the system as taught by Allen, Tsubaki, Priddy and Hansen, as a means to ensure the transfer of the data burst from an imaging device to a data destination within the required transmission parameters of the network.

Regarding claim 7, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 7 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager monitors said data buffers, and automatically initiates said arbitration procedure whenever said data stored in said data buffers reaches said predetermined threshold amount ('058 – col. 8 lines 6-9 and line 63 – col. 9 line 2.)

Regarding claim 8, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 8 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager initiates said arbitration procedure in response to a system-user authorization event that is caused by a system user activating a user interface on said imaging device ('058 – col. 7 line 60 – col. 8 line 12, col. 8 line 63 – col. 9 line 2, which would inherently occur upon a user capturing the particular image that causes memory used to be greater than determined.)

Regarding claim 9, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 9 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager transfers said data from said data buffers to said wireless communications network for transmitting to said data destination ('058 – col. 8 lines 36-44.)

Regarding claim 10, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 10 (see the 103(a) rejection to claim 9 supra) in addition to disclosing a system wherein said transfer manager and a display manager provide status information regarding said data transfer procedure by utilizing a user interface of said imaging device ('058 – col. 8 lines 26-32.) In light of the teachings of Tsubaki regarding displaying status information to alert a user to data transfer issues, it would have also been obvious to one of ordinary skill in the art at the time of the invention to

provide status information to alert a user to problems relating to arbitration, which is interpreted as a data transfer issue as well, such as the case when sufficient bandwidth is unavailable, resulting in a similar impossibility in communication.

Regarding claim 12, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 12 (see the 103(a) rejection to claim 9 supra) including wherein said wireless communications network routes said data from said imaging device to said data destination, said wireless communication network identifying said data destination by referring to said destination identifier from said identification information ('491 – col. 2 lines 1-7, col. 3 lines 11-14.)

Regarding claim 15, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 15 (see the 103(a) rejection to claim 12 supra) as well as teaching a system in which a negative acknowledgement message is sent if data is not received correctly, and which provides an opportunity for the transmitter to repeat the data transmission until said data transfer procedure is successfully completed ('352 – col. 8 lines 58-67, in which a negative acknowledgement message is provided; '639 – col. 10 lines 20-45, repeat transfer.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the controller of said data destination to send an error message to said imaging device by said wireless communications network after determining that said data and said identification information have not been successfully received, and to have said transfer manager repeat said data transfer procedure in

response to the first unsuccessful attempt, for the purpose of being able to know if the data transmission was received, and for the purpose of enabling the system to continue to function without unnecessary user intervention when an unsuccessful transmission occurs.

Regarding claim 17, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 17 (see the 103(a) rejection to claim 9 supra) including wherein a controller of said data destination analyzes said user identifier from said identification information to identify at least one of said system user and said imaging device, said controller then associating said data with said at least one of said system user and said imaging device ('491 – col. 3 lines 18-26.)

Regarding claim 18, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 18 (see the 103(a) rejection to claim 17 supra) including wherein said controller stores said data into a data file location that uniquely correspond with, and is identifiable with, said at least one of said system user and said imaging device ('491 – col. 3 lines 8-26.)

Regarding claims 26-30, 32 and 37-38, although the wording is different, the material is considered substantively equivalent to claims 6-10, 12, and 17-18, respectively, as discussed above.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 Priddy US 7,239,346 in view of Hansen US 6,317,639 in view of Strandwitz et al. US 6,522,352 and further in view of Scorse et al. US 5,128,776.

Regarding claim 11, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 11 (see the 103(a) rejection to claim 9 supra) but are not found to disclose details on the transfer method of data transfer to the data destination.

Nevertheless, Scorse et al. disclose a prioritized image transmission system where data is transmitted in the form of multiple message blocks. Each block is checked for error and if errors are found, the receiver sends a list of bad blocks back to the transmitter requesting those be resent (col. 8, lines 25-53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems taught by Allen, Tsubaki, Priddy, Hansen, and Strandwitz by using a method of partial data transfer as taught by Scorse for the benefit of having efficient means for detecting data transfer errors.

Regarding claim 31, although the wording is different, the material is considered substantively equivalent to claim 11, as discussed above.

Claims 13, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 in view of Hansen US 6,317,639 in view of Strandwitz et al. US 6,522,352 and further in view of Callaghan et al. US 6,058,304.

Regarding claim 13, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 13 (see the 103(a) rejection to claim 12 supra) except wherein a controller of said data destination sends a transfer confirmation to said imaging device by said wireless communications network after successfully receiving said data and said identification information.

One of ordinary skill in the art of transmitting data, when faced with the problem of verifying if data was or was not received, would look to the solutions of others faced with verification of the reception of data. One such solution is the use confirmation signals. Callaghan (US 6,058,304) teaches sending a message to confirm whether successful transmission of data has occurred and then displays the message to a user (col. 12 lines 7-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include a message to signify a successful transfer as taught by Callaghan with the system as taught by Allen, Tsubaki, Priddy, Hansen, and Strandwitz so that a user would know if the transmission was successful.

Regarding claim 33, although the wording is different, the material is considered substantively equivalent to claim 13, as discussed above.

Claims 14, 16 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 in view of Hansen US 6,317,639 in view of Strandwitz et al. US 6,522,352 in view of Callaghan et al. US 6,058,304 and further in view of Kanevsky et al. US 6,393,470.

Regarding claim 14, Allen, Tsubaki, Priddy, Hansen, Strandwitz, and Callaghan disclose all the limitations of claim 14 (see the 103(a) rejection to claim 13 supra) including wherein a transfer manager and a display manager display said transfer confirmation on a user interface of said imaging device ('304 – col. 12 lines 7-11.) However, although none of the references are found to explicitly disclose an imaging device also erasing said data from said data buffers in response to said transfer confirmation, Tsubaki is found to disclose erasure of image data after transmission ('058 – col. 8 lines 54-58.)

Nevertheless, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to erase the data as taught by Kanevski, after successful transfer of data has been confirmed as taught by Allen, Tsubaki, Priddy, Hansen, Strandwitz, and Callaghan, so that not only is the system free to acquire more data, but the user is also in possession the knowledge

that he/she is free to acquire more data, without the fear or uncertainty of not having enough memory for further acquisitions.

Regarding claim 16, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 16 (see the 103(a) rejection to claim 15 supra) except for disclosing wherein said transfer manager and a display manager display said error message on a user interface of said imaging device, said imaging device continuing to store said data in said data buffers until subsequently receiving a transfer confirmation from said data destination. However, although none of the references are found to explicitly disclose an imaging device also erasing said data from said data buffers in response to said transfer confirmation, Tsubaki is found to disclose erasure of image data after transmission ('058 – col. 8 lines 54-58.)

One of ordinary skill in the art of transmitting data, when faced with the problem of verifying if data was or was not received, would look to the solutions of others faced with verification of the reception of data. One such solution is the use confirmation signals. Callaghan (US 6,058,304) teaches sending a message to confirm whether or not a successful transmission of data has occurred and then displays the message to a user (col. 12 lines 7-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include a message to signify whether a successful transfer occurred as taught by Callaghan with the system as taught by Allen, Tsubaki, Priddy, Hansen, and Strandwitz so that a user would know whether the transmission was successful.

Furthermore, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include continuing to store data until successful transfer is verified, in combination with displaying of an error message as taught by Callaghan, within the system as taught by Allen, Tsubaki, Priddy, Hansen, Strandwitz, and Callaghan, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Regarding claim 34, although the wording is different, the material is considered substantively equivalent to claim 14, as discussed above.

Regarding claim 35, Allen, Tsubaki, Priddy, Hansen, Strandwitz, Callaghan, and Kanevsky disclose all the limitations of claim 34 (see the 103(a) rejection to claims 14/34 supra), as well as teaching a system in which a negative acknowledgement message is sent if data is not received correctly, and which provides an opportunity to repeat the data transmission ('352 –col. 8 lines 58-67, in which a negative acknowledgement message is provided, in addition to a re-try by the transmitter; '639 – col. 10 lines 20-45, repeat transfer.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the controller of said data destination to send an

error message to said imaging device by said wireless communications network after determining that said data and said identification information have not been successfully received, and said transfer manager responsively repeating said data transfer procedure to retransmit said data from said data buffers to said data destination, for the purpose of being able to know if the data transmission was received, and for the purpose of enabling the system to continue to function without unnecessary user intervention when an unsuccessful transmission occurs.

Regarding claim 36, Allen, Tsubaki, Priddy, Hansen, Strandwitz, Callaghan, and Kanevsky disclose all the limitations of claim 36 (see the 103(a) rejection to claim 35 supra), as well as including a teaching by Callaghan of a system wherein an message is received and displayed if a transmission is unsuccessful ('304 – col. 12 lines 7-11), and a teaching by Kanevski of a system that stores the data until instructed to erase it ('470 – col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of an error message as taught by Callaghan, in combination with continuing to store data until successful transfer is verified, within the system as taught by Allen, Tsubaki, Priddy, Hansen, Strandwitz, Callaghan, and Kanevsky, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Claims 19-20 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 in view of Hansen US 6,317,639 in view of Strandwitz et al. US 6,522,352 and further in view of Kanevsky et al. US 6,393,470.

Regarding claim 19, Allen, Tsubaki, Priddy, Hansen, and Strandwitz disclose all the limitations of claim 19 (see the 103(a) rejection to claim 18 supra) except wherein said system user subsequently accesses and utilizes said data from said data file location of said data destination by communicating with said data destination with an electronic data-access device.

Nevertheless, Kanevsky discloses a system user subsequently accesses and utilizes said data from a data file location of a data destination by communicating with the data destination with an electronic data-access device ('470 – col. 2 lines 42-44.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessibility as taught by Kanevsky with the system as taught by Allen, Tsubaki, Priddy, Hansen, and Strandwitz, in order to be able to later access the data in a convenient manner.

Regarding claim 20, Allen, Tsubaki, Priddy, Hansen, Strandwitz, and Kanevsky disclose all the limitations of claim 20 (see the 103(a) rejection to claim 19 supra) in addition to disclosing a system wherein said system user accesses said data file

location of said data destination through a distributed computer network by utilizing a personal computer device ('470 – col. 2 lines 42-44, col. 3 lines 8-26.)

Regarding claims 39-40, although the wording is different, the material is considered substantively equivalent to claims 19 and 20, respectively, as discussed above.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 in view of Hansen US 6,317,639 and further in view of Kanevsky et al. US 6,393,470.

Regarding claim 42, Allen, Tsubaki, Priddy and Hansen disclose all the limitations of claim 42 (see the 103(a) rejection to claim 1/21 supra) except for disclosing a method wherein said imaging device includes a conversion software module for converting said data from a first format that is compatible with said imaging device into a second format that is compatible with said data destination.

Nevertheless, Kanevsky discloses a system for transferring data from an imaging device to a data destination wherein said imaging device includes a conversion software module for converting said data from a first format that is compatible with said imaging device into a second format that is compatible with said data destination (col. 4 lines 54-67.) It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the conversion as taught by Kanevsky with the system as taught by Allen, Tsubaki, Priddy and Hansen so that data may be safely and efficiently transmitted to the data destination.

Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki (US 6,701,058) in view of Priddy US 7,239,346 and further in view of Oka et al. (US 6,965,399).

Regarding claim 44, Tsubaki discloses a system for transferring data comprising an imaging device that captures and stores images (fig. 1 indicator 10), a data destination configured to receive transferred images (fig. 1 indicator 20), and a transfer manager of the imaging device that monitors the memory of the imaging device and automatically transfers the images when a predetermined threshold is exceeded (fig. 5, col. 7 lines 20-32). Additionally, Tsubaki states that a transfer manager will automatically erase data from data buffers (10) only after data is successfully transferred to the data destination (20) (col. 8, lines 54-58). Although the Tsubaki reference discloses all of the above limitations, the reference fails to disclose that a successful transmission message is received when an image is successfully transmitted.

Priddy discloses a digital imaging module that is capable of wirelessly transmitting image data to remote devices. Priddy states that when an image has been successfully transmitted, a message can be returned for audio or visual display to the

user (col. 8, lines 27-44). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a message indicating a successful transmission of an image as disclosed by Priddy in the system for transmitting image data disclosed by Tsubaki. Doing so would provide a means for allowing a user to confirm that an image has been successfully transmitted to a remote device. Although the combination of the Tsubaki and the Priddy references discloses all of the above limitations, it fails to specifically disclose a computer-readable medium comprising program instructions for transferring data by performing the steps of the system disclosed by the combination of Tsubaki and Priddy.

Oka shows that it is well known in the art that a program of instructions, executable by a machine and programmable directly into a machine, are easily transferred to a computer-readable medium (Oka discloses in claim 7 a client capable of controlling a video camera via a network, comprising: an input unit for inputting a video camera control request...; and a control request transmitting unit for transmitting a video camera control... (col. 10, lines 8-19) and Oka further discloses in claim 21 a storage medium storing a computer readable program for controlling a video camera by a client via a network, the program comprising the steps of: inputting a video camera control command...; and transmitting a video camera control...(col. 12, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have transferred a program of instructions to a program storage device readable by machine in order perform the operations disclosed by the combination of

Tsubaki and Priddy as disclosed by Oka. Doing so would provide a means for increasing the portability of the program from machine to machine.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy 7,239,346 in view of Hansen US 6,317,639 and further in view of Fichtner US 6,256,059.

Regarding claim 47, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 47 (see the 103(a) rejection to claim 1/21 supra) except for explicitly disclosing a method wherein a system user manually instructs said transfer manager to transfer said data to said data destination in a non-wireless manner by transmitting said data through a hard-wired physical connection. Nevertheless, Tsubaki discloses the current state of the art to which an improvement is sought, in which transfers occur by operation of the user ('058 – col. 1 lines 48-51; col. 2 lines 16-17.) It would have been obvious to one of ordinary skill in the art at the time of the invention, given the state of the art at the time of the invention, to effect transfer via a system user in order to give a user more control over operation of an imaging device. However, none of the cited references specifically discloses a hard-wired physical connection for transmitting data to a data destination.

Fichtner discloses that it is well known in the art to use a physical hard-wired connection (such as a USB as disclosed by Fichtner col. 2, lines 14-29) to transfer data

between an imaging device and a data destination. Therefore it would have been obvious for one skilled in the art to transfer the data disclosed by the combination of the Allen, Tsubaki, Priddy and Hansen references in a non-wireless manner by transmitting the data through a hard-wired physical connection as disclosed by Fichtner. Doing so would provide a means to establish a dedicated and secure means of data transfer.

Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. US 5,737,491 in view of Tsubaki US 6,701,058 in view of Priddy US 7,239,346 in view of Hansen US 6,317,639 and further in view of Patel et al. US 6,747,692.

Regarding claim 48-49, Allen, Tsubaki, Priddy and Hansen disclose all of the limitations of claim 21 above (see the 103(a) rejection to claim 1/21 supra). However, none of the references specifically states that a data destination may be an Internet-based image service website or an Internet service provider.

Patel discloses a portable multipurpose recording terminal and portable network server. Patel further states that a terminal (10) capable of capturing images may be connected to the Internet (col. 5, line 56-col. 6, line 40). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a data destination that is an Internet-based image service website or an Internet service provider as disclosed by Patel as the data destination in the combination of the Allen, Tsubaki,

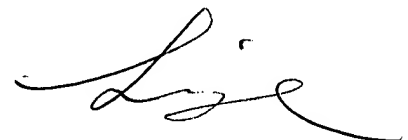
Priddy and Hansen references. Doing so would provide a means for effectively transmitting images uploaded to a data destination to multiple remote locations.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

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